



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/168860

PRELIMINARY RECITALS

Pursuant to a petition filed September 10, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a telephonic hearing was held on October 27, 2015, at Darlington, Wisconsin.

The issue for determination is whether the petitioner is eligible for continued Wisconsin Medicaid (MA) as a Wisconsin SSI recipient as of September 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

Representative:

[REDACTED], wife
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED], State SSI analyst (written submission)
State SSI Unit
Division of Health Care Access and Accountability
P.O. Box 6680
Madison, WI 53716-0680

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 64 year old resident of Lafayette County who resides with his wife.
2. The Department sent an August 19, 2015 notice to the petitioner that his SSI Wisconsin Medicaid (MA) would discontinue effective September 1, 2015, due to his Federal SSI ending as of August 1, 2015.
3. The petitioner has not yet applied for the Affordable Care Act (Obamacare) as of the October 27, 2015 hearing date.
4. State SSI analyst, [REDACTED], sent an October 2, 2015 letter notice to the petitioner stating that his SSI Medicaid (MA) discontinued effective September 1, 2015, due to Social Security placing the petitioner in a non-payment status code of N01 (Member's countable income exceeds Title XVI FBR) from the time period January, 2014 and continuing. See Exhibit 1.
5. The petitioner was unable to provide any evidence to establish that his federal SSI discontinuance has been reversed.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under section 49.46(1)(a)4 of the Wisconsin Statutes. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of that statutory section. As a result, petitioner is no longer eligible for categorically needy Wisconsin MA because he no longer received federal SSI through the State of Wisconsin as of August 1, 2015. The petitioner was unable to submit any reliable evidence that he continued to receive federal SSI as of August 1, 2015.

During the October 27, 2015 hearing, petitioner was unable to provide any reliable evidence to establish that he has continued to receive federal SSI as of August 1, 2015. He also admitted that he has not received any notice from the Social Security Administration that his federal SSI has resumed as of August 1, 2015. However, such decision may be appealed to the Social Security Administration (SSA) to reverse its discontinuance of petitioner's federal SSI, if the petitioner wants to attempt to become entitled to Wisconsin "categorically needy" MA.

This Administrative Law Judge (ALJ) strongly recommends to petitioner that he promptly apply online for health insurance through the Affordable Care Act. In any case, based upon the above, I must conclude that because petitioner did not establish with any reliable documentation that he was eligible for continued federal SSI as of August 1, 2015, the Department correctly discontinued the petitioner's State MA as of September 1, 2015.

CONCLUSIONS OF LAW

The petitioner is not eligible for Wisconsin MA as a SSI recipient because he has not received federal SSI since August 1, 2015; thus, it was correct to discontinue petitioner's eligibility for Wisconsin MA effective September 1, 2015 as a SSI recipient.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby Dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 23rd day of November, 2015

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 23, 2015.

Division of Health Care Access and Accountability
State SSI